

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE**

ACUMENT GLOBAL TECHNOLOGIES,
INC.,

Plaintiff,

v.

MALLINCKRODT ARD, LLC., et al.,

Defendants.

No. 2:21-cv-2024

**NOTICE OF ORDER BY JUDICIAL PANEL ON MULTIDISTRICT LITIGATION
DENYING MOTION FOR TRANSFER OF ACTIONS PURSUANT TO 28 U.S.C. § 1407**

On January 28, 2021, Defendants Mallinckrodt ARD LLC (fka Mallinckrodt ARD Inc.) and Mallinckrodt plc (collectively, “Mallinckrodt”) filed a Motion to Transfer this action, pursuant to 28 U.S.C. §§ 1412 or 1404, to the District of Delaware, where Mallinckrodt’s chapter 11 cases are pending in the Delaware Bankruptcy Court. Dkt. No. 7. On March 16, 2021, Plaintiff filed a Notice that it had filed with the Judicial Panel on Multidistrict Litigation a Motion to Transfer this matter, along with other matters, pursuant to the 28 U.S.C § 1407. Dkt. No. 17. Plaintiff also filed a Motion to Stay the Court’s ruling on Mallinckrodt’s Motion to Transfer to the District of Delaware pending a ruling from the JPML. Dkt. No. 18. On June 7, 2021, the JPML issued a ruling denying Plaintiff’s Motion to Transfer to the JPML on the grounds that there is “uncertainty about the timing and outcome of related bankruptcy proceedings” and that “there are motions for transfer under 28 U.S.C. §§ 1412 or 1404 pending” in several actions. *See Order Denying Transfer in MDL No. 2999* (attached hereto as Exhibit A). The Court further stated: “[s]hould centralization appear to be necessary once the bankruptcy stay is lifted, ‘the parties may file

another Section 1407 motion, and the Panel will revisit the question of centralization at that time.’’

Id. (quoting *In re Gerber Probiotic Prods. Mktg. & Sales Practices Litig.*, 899 F. Supp. 2d 1378, 1381 (J.P.M.L. 2012)).

Dated: June 8, 2021

Respectfully Submitted,

/s/ Daniel W. Van Horn

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***Attorneys for Defendants Mallinckrodt ARD LLC and
Mallinckrodt plc***

* Denotes national counsel who will seek *pro hac vice* admission

CERTIFICATE OF SERVICE

I, Daniel W. Van Horn, attorney for Defendant Mallinckrodt ARD LLC and Mallinckrodt plc, certify that a true and correct copy of Mallinckrodt ARD LLC's and Mallinckrodt plc's Notice of Order by Judicial Panel on Multidistrict Litigation Denying Motion for transfer of Actions Pursuant to 28 U.S.C. § 1407 has been sent via e-mail and/or ECF on June 8, 2021, to the following:

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/s/ Daniel W. Van Horn
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